APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/011,020	12/04/2001	Wolfgang Baltes	10018075	7582

7590 10/03/2005	EXAMINER

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EXAMINER
PHAM, TITO QUANG

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/011,020	BALTES, WOLFGANG
	Examiner	Art Unit	
	Tito Pham	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-4, and 6 are rejected under 35 U.S.C. 102(e) as being

anticipated by Huotari et al. (hereinafter Huotari).

       - With respect to claim 1, Huotari discloses a system of automatically

providing configuration information for a communication device (figure 2),

the process in the system comprises: receiving a communication via a

communication link; identifying a source of said communication; based on

said source of said communication, determining configuration information

for said communication device; and sending said communication

information over said communication link, wherein said configuration

information is automatically provided (paragraph 51)

       - Regarding claim 2, Huotari shows communication is via dial-up

communication link (paragraph 51).

- Regarding claim 3, Huotari reveals identifying the source by an identifier

of a telephone call placed over communication link (paragraphs 58 and

71).

- Regarding claim 4, Huotari discloses determining configuration

information using a product identifier for communication device, the

product identifier provided in the communication (figure 3, paragraph 72).

- Consider claim 6, Huotari discloses scanning a plurality of databases for

configuration information for said communication device (figure 3,

paragraph 66).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

5.   Claims 5 and 7-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Huotari in view of Dieterman et al. (hereinafter Dieterman).

            - Regarding claim 5, Huotari meets all the requirements for the

            independent claim 1. Huotari does not show identifying a geographic

            region of the source of said communication and does not disclose

            determining said configuration for said communication device based on

            geographic region. However, Dieterman discloses identifying a

            geographic region of the source of communication (column 3 lines 34-43,

            column 4 lines 41-44), and determining configuration information for

            communication device based on the geographic region (column 4 lines 60-

            64). Therefore it would have been obvious to one of ordinary skill in the

            art at the time of the invention to implement in Huotari a step of identifying

            the geographic region and determining the configuration information

            based on the said geographic region as taught by Dieterman to "optimize

            network performance and minimize costs to both user and the ISP"

            (column 4 lines 4-7).

            -   With regards to claims 7, 15, and 16, Huotari discloses a system of

                configuring a broadband device, the process in the system comprises:

                identifying a source of said communication; determining configuration

                information for said communication device based on said source;

                transferring said configuration information over said communication

                link; and automatically configuring said communication device with said

communication (figure 2, paragraph 51). Huotari does not disclose a

step of upon determining that configuration information is needed for

said communication device, automatically contacting a server via a

communication link. However, Dieterman reveals a method of

automatically updating network configuration settings including the first

step of having the client computer establishes a communication link

with the ISP to retrieve the updated configuration (column 2 lines 65-

67, column 3 lines 1-22). Therefore, it would have been obvious to

one of ordinary skill in the art at the time of the invention to include in

Huotari a step of automatically contacting a server when configuration

is needed to establish network communication as taught by Dieterman

to further reduce user's involvement for a true Plug and Play system.

- For all dependent claims below, analysis of claims 7 and 15 is

applicable.

- Regarding claim 8, Huotari discloses communication device contacts

server via a dial-up modem (paragraph 51).

-   With regards to claim 9, Huotari discloses scanning a plurality of

    database for configuration information (figure 3, paragraph 66).

-   Regarding claim 10, Huotari disclose a peripheral computer coupled to

    communication device contacting the server over communication via

    dial-up modem (figure 2, paragraph 12).

-   Regarding claims 11 and 21, Huotari discloses the communication

    device automatically configure itself with the configuration information

(paragraph 51). The broadband device is interpreted as the user system (computer system and DSL modem) in figure 2.

- Regarding claim 12, Huotari shows a software program in a peripheral computer automatically configuring the communication device with the configuration information (figure 2, paragraph 65).

- Regarding claim 13, analysis of claims 5 and 7 are applicable. When the geographic region of said source is identified for the configuration providing purpose, it would have been obvious to one of ordinary skill in the art at the time of the invention to limit the database scan based on a geographic region of said source of communication.

- With respect to claim 14, Huotari discloses determining configuration information based on the communication device identifier (figure 3, paragraphs 67 and 68).

- With regards to claim 17, Huotari does not disclose the broadband device comprises a stored telephone number with which to contact said server. However, Dieterman discloses the communication device comprises a stored telephone number with which to contact said server (column 3 lines 12-14). It would have been obvious to one with the ordinary skill at the time of the invention to include in Huotari a stored telephone number as taught by Dieterman to automatically connect to the server.

- Regarding claim 18, Huotari reveals logic is operable to automatically configure said broadband communication device with configuration information (figure 2, paragraphs 51 and 65).

- Regarding claim 19, Huotari discloses logic is implemented by software on a peripheral computer couple to said broadband communication device (paragraph 12 and figure 2).

- Regarding claim 20, Huotari shows software is operable to automatically configure broadband communication device upon reception of configuration information (figure 2, paragraph 51).

- Regarding claims 22 and 23, Huotari discloses server is operable to search a database for said configuration information based on customer name and telephone number (paragraph 58).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wang discloses a method of automatically provisioning a broadband communication device.

- Owens discloses method and system for provisioning broadband service in a PPOE network.

- Jin discloses system and method for "Plug and Play" ability to broadband-based customer device.
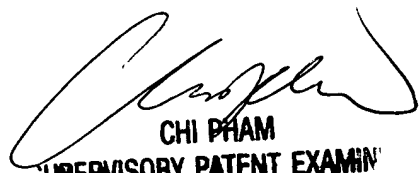
- Chen discloses an integrated phone-based home gateway system that provides automatic data and broadband initialization, configuration, and service provisioning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tito Pham whose telephone number is 571-272-8617. The examiner can normally be reached on 8-5 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600   9/29/05